THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

W.P. NO.21647 of 1998

DATED: 03.12.2007

Between:-

C.Papi Reddy.

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PETITIONER
AND

The Deputy General Manager-cum-Disciplianry authority, Indian Overseas Bank, Central Office, Anna Salai, Chennai & others.

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RESPONDENTS

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.21647 of 1998

O R D E R:

Aggrieved by the order of the first respondent dated 20-09-1997, as confirmed by the second respondent-appellate appellate authority vide proceedings dated 08-12-1997, imposing on the petitioner the punishment of reduction in basic pay with cumulative effect, the present writ petition is filed.

Heard Sri A.Jaya Sankar Reddy, learned counsel for the petitioner and Sri E.MadanMohan Rao, learned counsel for the respondents.

While Sri A.Jaya Sankar Reddy, learned counsel for the petitioner, would make several submissions, it is wholly unnecessary to take note of all the submissions since the writ petition is required to be allowed on the short ground that the second respondent-appellate authority has not applied its mind to the statutory regulations vis-à-vis the punishment imposed on the petitioner.

The first respondent-disciplinary authority, in its order dated 20-09-1997, had held that the proved charges in respect of both the chargesheets were serious in nature warranting deterrent penalty. However, taking a lenient view, the disciplinary authority held that ends of justice would be met by awarding the penalty of reduction in basic pay with cumulative effect to the first stage in Junior Manager-I Scale in terms of Regulation 4(e) of the Indian

Overseas Bank Officer Employees' (Discipline and Appeal) Regulations, 1976, on the petitioner.

As noted above, the order of disciplinary authority is dated 20-09-1997. The Indian Overseas Bank Officer Employees' (Discipline and Appeal) Regulations, 1976 were amended by the Board of Directors in their meeting held on
06-09-1997 and the amendment came into force with effect from 20-09-1997, the day on which the impugned order of punishment was passed by the disciplinary authority. Prior to the amendment, Regulation 4(e) was a major penalty of reduction to a lower grade or lower stage in the time scale, whereas, after the amendment, Regulation 4(e) was brought under the category of minor penalties and the penalty prescribed was of reduction to a lower stage in the time scale of pay for a period not exceeding three years without cumulative effect not adversely affecting the officer's pension.

Since the amended regulations came into force from
20-09-1997, the day on which the impugned order of punishment was passed by the disciplinary authority, Regulation 4(e), as referred to by the disciplinary authority in its order, must necessarily be only a minor penalty. While the disciplinary authority was also entitled to impose a major penalty, his reference to Regulation 4(e) can be construed as his having decided to impose only a minor penalty and not a major penalty, in which event, the punishment of reduction in basic pay with cumulative effect to the first stage in Junior Manager-I Scale could not have been imposed. Despite a contention in this regard being raised in the grounds of appeal, the appellate authority has not chosen to examine this aspect of the matter and has instead rejected the appeal confirming the order of punishment imposed by

the disciplinary authority.

Ends of justice would be met if the order of the second respondent is set aside and the matter is remanded to the second respondent for considering the case of the petitioner on the question whether the punishment, as imposed by the disciplinary authority under Regulation 4(e), is a minor penalty or not. The appellate authority shall also consider the other grounds raised by the petitioner in his appeal and pass a reasoned order, in accordance with law, within a period of three months from the date of receipt of a copy of this order. It is made clear that the order of the disciplinary authority has not been interfered with and shall remain in force. The order of the disciplinary authority is subject to the decision which the appellate authority shall take as referred to hereinabove.

The Writ Petition is, accordingly, allowed. However, in the circumstances, without costs.

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03.12.2007

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